

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEXANDRA KUSEN, et al.,

Plaintiffs,

v.

JAMES H. HERBERT, II, et al.,

Defendants.

Case No. [23-cv-02940-AMO](#)

**ORDER DENYING MOTION TO
INTERVENE WITHOUT PREJUDICE
TO RE-FILING**

Re: Dkt. No. 77

Before the Court is a motion to intervene filed by the Federal Deposit Insurance Corporation, as Receiver for First Republic Bank. ECF 77. Because Lead Plaintiff's forthcoming consolidated complaint is due to be filed by no later than February 13, 2024, *see* ECF 112, the Court denies the motion without prejudice to re-filing after that date. *See Buffin v. City & Cnty. of San Francisco*, No. 15-CV-04959-YGR, 2016 WL 374230, at *6 (N.D. Cal. Feb. 1, 2016) ("Only once the Court understands the relief plaintiffs seek in this case, and the defenses the . . . to [be] raise[d] in response thereto, can intervention be sufficiently addressed."). Once the consolidated complaint is filed, the FDIC-R and the parties shall meet and confer about the appropriate deadline for any renewed motion to intervene, a briefing schedule thereon, and any necessary adjustments to existing case deadlines. The parties shall file a stipulation with the dates agreed to by no later than March 15, 2024.

IT IS SO ORDERED.

Dated: January 30, 2024



ARACELI MARTÍNEZ-OLGUÍN
United States District Judge